

ICH 275-RCE

RECEIVED
CENTRAL FAX CENTER

JAN 11 2007

REMARKS

Reconsideration of the final rejection contained in the Office Action of August 11, 2006 is respectfully requested.

The previous rejections of Claims 3, 4 and 6-12 under 35 U.S.C. 103(a) as being unpatentable over Kono et al. in view of Smigo et al. has been overcome.

However, all claims pending in the application, namely 3, 4 and 6-20 remain finally rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 13 and 15-20 also remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kono et al in view of Smigo et al.

In paragraph 9 of the action, the Examiner states that Claims 3, 4 and 6-12 would be allowable if rewritten to overcome the indefiniteness rejection and correction of miscellaneous issues noted in paragraph 8 of the action.

Claim 14 is only objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Examiner acknowledges that the prior art does not disclose or suggest the amount of copolymer relative to combined amount of copolymer and gelatin as required by present Claim 14.

The amended claims submitted with this response have been rewritten to overcome the Examiner's rejections. Specifically, as the Examiner suggested independent Claim 12 has been amended to delete the quantity of copolymer. Claim 13 has been amended to include the limitation of Claim 14, which is now canceled. Claims 15 and 19 have been amended to clarify the respective elements in the claims. Finally, Claim 20 has been amended to include the limitation contained in Claim 14.

Accordingly, Applicants believe the Examiners indefiniteness rejections have been overcome and should be withdrawn. In addition, because of the amendments made to the claims the Examiner's obviousness rejections are now deemed moot.

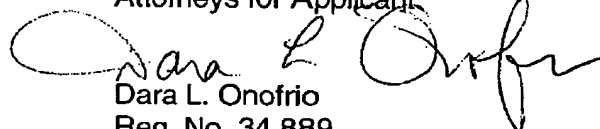
Applicants submit that this application is now in condition for allowance. No new matter has been introduced by the amendments herein. Reconsideration of this application and allowance of pending Claims 3, 4, 6-13 and 15-20 are hereby

ICH 275-RCE

requested. If a telephone interview would be useful to advance this case, then the Examiner is invited to telephone the undersigned.

Respectfully submitted,
ONOFRIO LAW
Attorneys for Applicant

By:


Dara L. Onofrio
Reg. No. 34,889

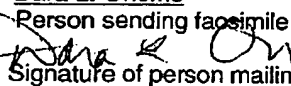
107 Shad Row
Piermont, N.Y., 10968
(845) 613.0880 (phone)
(845) 613.0389 (fax)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

BY FACSIMILE - 571.273.8300
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450
ATTENTION: BOX AF

Dated: January 11, 2007

Dara L. Onofrio
Person sending facsimile

Signature of person mailing paper